

9 FAM 42.0 IMMIGRANT VISAS

9 FAM 42.1 ALIENS NOT REQUIRED TO OBTAIN IMMIGRANT VISAS

(a) Aliens Lawfully Admitted for Permanent Residence

(TL:VISA-3; 8-30-87)

An alien who has previously been lawfully admitted for permanent residence and who is not required under the regulations of INS to present a valid immigrant visa upon returning to the United States.

(b) Alien Members of U.S. Armed Forces

(TL:VISA-3; 8-30-87)

An alien member of the U.S. Armed Forces bearing military identification, who has previously been lawfully admitted for permanent residence and is coming to the United States under official orders or permit of those Armed Forces.

(c) Aliens Entering From Guam, Puerto Rico, or the Virgin Islands

(TL:VISA-3; 8-30-87)

An alien who has previously been lawfully admitted for permanent residence who seeks to enter the continental United States or any other place under the jurisdiction of the United States directly from Guam, Puerto Rico, or the Virgin Islands of the United States.

(d) Child Born After Issuance of Visa to Accompanying Parent

(TL:VISA-3; 8-30-87)

An alien child born after the issuance of an immigrant visa to an accompanying parent, who will arrive in the United States with the parent, and apply for admission during the period of validity of the visa issued to the parent.

(e) Child Born of a National or Lawful Permanent Resident Mother During her Temporary Visit Aboard

(TL:VISA-3; 8-30-87)

An alien child born during the temporary visit abroad of a mother who is a national or lawful permanent resident of the United States if applying for admission within 2 years of birth and accompanied by either parent applying and eligible for readmission as a permanent resident upon that parent's first return to the United States after the child's birth.

(f) American Indians Born in Canada

(TL:VISA-3; 8-30-87)

An American Indian born in Canada and having at least 50 per centum of blood of the American Indian race.

9 FAM 42.1 Related Statutory Provisions

INA 211(a)

(TL:VISA-3; 8-30-87)

(a) Except as provided in subsection (b) and subsection (c) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.

INA 211(b)

(TL:VISA-48; 10-1-91)

(b) Notwithstanding the provisions of section 212(a)(7)(A) of this Act in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 101(a)(27)(A), who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.

INA 212(d)(7)

(TL:VISA-48; 10-1-91)

(7) The provisions of subsection (a)(other than paragraph 7), shall be applicable to any alien who shall leave Guam, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. Any alien described in this paragraph, who is excluded from admission to the United States, shall be immediately deported in the manner provided by section 237(a) of this Act.

INA 284

(TL:VISA-3; 8-30-87)

284. Nothing contained in this title shall be construed so as to limit, restrict, deny, or affect the coming into or departure from the United States of an alien member of the Armed Forces of the United States who is in the uniform of, or who bears documents identifying him as a member of, such Armed Forces, and who is coming to or departing from the United States under official orders or permit of such Armed Forces: Provided, That nothing contained in this section shall be construed to give to or confer upon any such alien any other privileges, rights, benefits, exemptions, or immunities under this Act, which are not otherwise specifically granted by this Act.

INA 289

(TL:VISA-3; 8-30-87)

289. Nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.